

W. D. GIRAND

IBLA 73-326

Decided September 25, 1973

Appeal from decision by Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer W 38748.

Affirmed.

Administrative Practice! ! Oil and Gas Leases: Applications:  
Generally! ! Regulations: Generally! ! Regulations: Waiver

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed, the offer must be rejected. Strict compliance with the Department's regulations may not be waived to favor an applicant who pleads good faith, ignorance of the law or inexperience in oil and gas leasing.

APPEARANCES: W. D. Girand, Esq., pro se.

OPINION BY MRS. THOMPSON

W. D. Girand has appealed from a decision of the Wyoming State Office, Bureau of Land Management, dated March 20, 1973, rejecting his noncompetitive oil and gas lease offer for the reason that the statement of interests required by 43 CFR 3102.7 was not filed.

On January 19, 1973, Girand filed and executed a lease offer drawing card for tract 131, one of the parcels described in the

"Notice of Lands Available for Oil and Gas Filings" posted January 15, 1973, at the Wyoming State Office. On the reverse side of the card, Girand named R. Makin as a party in interest. The reverse side has the following notice conspicuously printed, "NOTE: Compliance must be made with the provisions of 43 CFR 3123.2." That section, now recodified as 43 CFR 3102.7 provides in part:

\* \* \* If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer.

The separate statement of interest was not filed in this instance.

Girand submits that since he made the offer in good faith and without intent to mislead or evade any rules of the Department of the Interior he should be issued the lease despite his failure to comply with the regulations. It is mandatory, however, that an oil and gas lease offer which does not comply with the cited regulation must be rejected. Richard Hubbard, 2 IBLA 270, 272-73, 78 I.D. 170, 172 (1971); James Monteleone, 9 IBLA 53, 54 (1973); Hiroshi Mizoguchi, 4 IBLA 249, 250 (1972). Strict compliance cannot be waived for an applicant who pleads ignorance, good faith or inexperience. Id. Girand also argues that he should be granted the lease because "he was not notified of any insufficiencies of his offer in time in which to rectify the same or in which to furnish the required proof in order to make the offer valid." The regulations do not require the State Office to notify applicants of such deficiencies.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson  
Member

We concur:

Joseph W. Goss  
Member

Anne Poindexter Lewis  
Member

